



# झारखण्ड गजट

## असाधारण अंक

### झारखण्ड सरकार द्वारा प्रकाशित

17 पौष, 1940 (श०)

संख्या- 10 राँची, सोमवार,

7 जनवरी, 2019 (ई०)

#### विधि (विधान) विभाग

आधिसूचना

4 जनवरी, 2019

संख्या-ए/विधि (नियमावली)-07/2017-36/जे०-- द्वारा निम्नलिखित नियम सर्वसाधारण की सूचना के लिए प्रकाशित किया जाता है ।

#### The Jharkhand State Bar Council New Advocates' Stipend Rules 2016

#### Aims and Objects

To provide for monetary assistance for the young advocates newly enrolled with Jharkhand State Bar Council with an objective to encourage them as officers of law & justice and support them for enhancement of skills.

**Whereas**, the need for monetary assistance to the young & newly enrolled advocates has been felt for a long time and has been often expressed but as yet, there is no such provision, And

**Whereas**, it is necessary to encourage the enhancement of the skills of young advocates newly enrolled with the state Council, And

**Whereas**, it is expedient to make special provisions to regulate the grant monetary assistance to such advocates

Therefore, Jharkhand State Bar Council makes **The Jharkhand State Bar Council New Advocates' Stipend Rules 2016 on the 9th Day of January 2016** as follows:

## 1. Short Title, Extent & Commencement :

- (1) This Scheme shall be called "The Jharkhand State Bar Council New Advocates' Stipend Rules, 2016" (in short- "Stipend Rules") framed in exercise of power conferred under sections 6 and 15(1)(3) of the Advocates' Act 1961 read with Rule 9 (2)(i) of the Jharkhand Advocates Welfare Fund Act, 2012
- (2) It extends to the whole of the State of Jharkhand and covers all young advocates enrolled with the State Council except those mentioned by Rule 1 (4) or those disqualified vide any other clause/sub clause etc. under this Rule.
- (3) The Scheme shall come into force with effect from the date decided by the Jharkhand State Bar Council.
- (4) This Scheme shall not apply (a) to advocates enrolled at 40 years of age or thereafter (b) to advocates enrolled after retirement, etc from service of government, public authority, local body or any other private institution, and (c) to the Advocates who are members only of such Advocates' Association which is not recognized/ affiliated by the Jharkhand State Bar Council or has not remitted the contribution of 10% share in terms of Rule 57(6) of the Model Rules, 2007 as amended in 2012 or 10% of gross income of Association where hazri form is not in use.

## 2. Definitions :

In this Scheme unless the context otherwise requires :-:

- (i) "Act" means the Advocates' Act 1961.
- (ii) "Account Officer" means an officer appointed by the Council for Stipend Fund to look after the receipts and expenses related to the said fund
- (iii) "Advocate" means a person who has been enrolled on the State Roll of the Advocates' prepared and maintained by the State Bar Council of Jharkhand under Section 17 of the Advocates' Act, 1961 read with relevant provisions of the Bar Council of India Rules, 1975 and amended from time to time
- (iv) "Advocate' Association" means an association of Advocates by whatever name called and affiliated with the State Bar Council.
- (v) "Advocates' Stipend Fund" means the fund earmarked by the Trustee Committee of the state.
- (vi) "Bar Council" means State Bar Council of Jharkhand constituted under the Advocates' Act, 1961.

- (vii) "Member of the stipend Fund" means a young & newly enrolled advocate on State Roll of Jharkhand State Bar Council who is below the age of 40 years and who has been admitted to the membership of the Stipend Fund under these Rules.
- (viii) "Stipend" means monetary assistance payable to the young & newly enrolled advocates with Jharkhand State Bar Council below the age of forty years, at the rate to be decided and to be revised from time to time by the Trustee Committee in consultation with Jharkhand State Bar Council and payable for a maximum of three years or up to the age of forty years of the beneficiary advocate, whichever is earlier, paid through transfer of fund from the account of the Stipend Fund to the account of the beneficiary advocate.
- (ix) "Prescribed Form" means the form to be prescribed by the Administrator with the approval of Council.
- (x) "Regular Advocate" means advocate who pursues regular practice and is a member of Trustee Committee.
- (xi) "Trustee Committee" means the Trustee Committee constituted and functions under the Jharkhand Advocates Welfare Fund Act, 2012

### 3. The New Advocates' Stipend Fund :-

- (1) The Jharkhand State Bar Council in consultation with Trustee Committee shall constitute a Accounts Head to be called "New Advocates' Stipend Fund"
- (2) There shall be credited to the Stipend Fund :
  - (i) The entire share received by the state Council as share for the conduct of AIBE from the BCI
  - (ii) Any voluntary contribution or donation or grant or aid made to the Stipend Fund by the Bar Council of India, Jharkhand State Bar Council, and any Association of Advocates or other Association/institution, any advocate or other person or persons.
  - (iii) Any grant made by the Centre/State/Local Govt. to the Stipend Fund.
  - (iv) All sums or any profit or dividend or other return/interest received on any investment in the reputed financial institutions or in Govt's Treasury Bond or other fund decided by the Council as fit for investment.
  - (v) All sum collected by way of application fee under these Rules and other charges and interest thereon.
  - (vi) From any other source prescribed and decided by the Bar Council.
  - (vii) Any donation from elected representative of the people or Member of Parliament,
  - (viii) An amount or percentage of profit from the sale of JBCJ to be decided by the Council after consideration of the profit/return accrued at the end of the financial year.

#### 4. Operation of the Fund :-

- (1) The Stipend Fund shall constitute an account head within the Trustee Committee Fund maintained under the Jharkhand Advocates Welfare Fund Act, 2012 which shall be opened and operated by the joint signatures of the Chairman of the Trustee Committee and the Chairman, Jharkhand State Bar Council.
- (2) The amount payable under this scheme and all expenditure relating to the management and administration of the Fund shall be paid out of this stipend Fund.
- (3) The accounts of the Stipend Fund shall be annually audited by the Chartered Accountant appointed by Bar Council and the report shall forthwith be placed before the Bar Council and the Trustee Committee for consideration. The audit report shall annually be published in J.B.C.J. and on the official website of Jharkhand State Bar Council for due information to the stakeholders.
- (4) No cash withdrawal from the Stipend Fund shall be permissible, and all payments to the beneficiary young and newly enrolled advocates shall be through account to account transfer of entitlements.
- (5) The Stipend Fund may be invested in profit making financial institutions or in government treasury bond with the approval of Bar Council, if felt necessary by the Trustee Committee.

#### 5. Membership, Rate and Entitlement for Stipend

- (I) Any young and newly enrolled Advocate who has been enrolled below the age of 40 years and who plans to pursue regular practice may apply for stipend to be paid by the Trustee Committee from the Stipend Fund.
- (II) The Stipend shall be payable to such young advocates who are newly enrolled with Jharkhand State Bar Council for a maximum of three years or till the age of forty years whichever is earlier
- (III) The stipend shall be paid to the eligible advocates @ Rs one thousand per month which amount may be revised from time to time by the Trustee Committee in consultation with the State Bar Council with due regard to availability of fund and the number of applicants

#### 6. Cessation of membership and consequences thereof :-

- (1) The membership of this Stipend Fund and eligibility for payment shall be liable to be terminated in the following cases :-
  - (i) If a person ceases to be an advocate on account of voluntary suspension or the license to practice as advocate has been cancelled on account of punishment for professional or other misconduct by appropriate authority.
  - (ii) If an advocate ceases to be a regular practitioner which means that the said advocate has voluntarily failed to visit the Courts over a considerable period and/ or taken up some other profession/ occupation as may be reported by the Vigilance Committee under the Model Rules. Provided that

on such report, the concerned advocate shall be asked to submit explanation and the decision shall be taken by the Stipend Committee after such opportunity has been duly afforded

- (iii) The membership to fund shall also be terminated when the concerned Advocates' Association fail to remit the share of Bar Council of the hazri form and/or 10% of the gross income where hazri system is not applicable
- (iv) The membership of this Stipend Fund shall cease after expiry of three years from the Start of such membership.

**7. Power to give directions and to make clarifications :-**

- (1) For the proper and efficient functioning of the scheme, the Bar Council in the exercise of its powers of general supervision and control, give such directions to the Trustee Committee as any appear to it be necessary, and the Trustee Committee shall comply with such directions.
- (2) In case of any doubt with regard to any word or phrase, the clarification made by Bar Council shall be final.

**12. Power to Amend the Rules :**

The Bar Council in consultation with the Trustee Committee shall have right to amend the Rules in accordance with-necessity.

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संजय प्रसाद,

प्रधान सचिव-सह-विधि परामर्शी  
विधि विभाग, झारखण्ड, राँची।

**Application for stipend under The Stipend Rules, 2016**

To,

Hon'ble Chairman  
Jharkhand State Bar Council

Sir,

I hereby apply for stipend under "The Stipend Rules, 2016". My particulars are as follows:

Name ..... Enrollment ..... No

Place of Practice ..... Bank of India SB Account No

Phone No ..... E mail id .....

Permanent Address .....

Address for Correspondence .....

**Forwarded by Association :-****DECLARATION :**

I undertake to utilize this fund for the advancement of my professional skills

I hereby declare that if I quit active practice or attain 40 years of age, I shall duly communicate the same to the office of Jharkhand State Bar Council and give up my entitlements under the aforesaid rules so that the Stipend Fund may be augmented for the greater benefit of such other young and newly enrolled advocates who may need such assistance more.

I also undertake to file application every six months under the aforesaid rules to show that I have not quit practice or got so employed or engaged

I shall communicate any change of my phone number, e mail id and/ or permanent or correspondence address.

**Date.****Place****Signature** .....**FOR OFFICE USE ONLY** .....**Application forwarded to Hon'ble Chairman, Jharkhand Advocate's Welfare Fund Trustee Committee. Forwarded application Sr. no .....****(JSBC)**

Enclosure :-

Proof of age (to be same as provided for enrollment, unless special permission is sought)

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